

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

11 JAMES RUSSELL, ) Case No. 07cv953 LAB (WMC)  
12 Plaintiff, )  
13 v. ) **FIRST AMENDED NOTICE AND ORDER**  
14 PERRY & SHAW, INC.; NRG )  
15 CABRILLO POWER OPERATIONS, )  
16 INC., and WILLIAM DYSON, )  
Defendants. ) **FOR EARLY NEUTRAL EVALUATION**  
 ) **CONFERENCE**

17 \_\_\_\_\_  
18 Due to a conflict in the schedule of counsel for Plaintiff,  
19 **IT IS HEREBY ORDERED** that the Early Neutral Evaluation Conference  
20 scheduled for October 25, 2007 at 2:00 p.m. will be held  
21 TELEPHONICALLY. On the day and at the time listed above, counsel  
22 for Plaintiff shall contact all opposing counsel and then initiate  
23 a joint call to the Court at (619) 557-6624. Only counsel need  
24 appear on the telephonic ENE conference call.

25 The parties are **required** to submit a short Early Neutral  
26 Evaluation Conference Statement about the case on a confidential  
27 basis no later than **seven (7) days** before the conference. ENE  
28 Statements may be lodged electronically with chamber's email

1 address at `efile_mccurine@casd.uscourts.gov`.

2 Rule 26 of the Federal Rules of Civil Procedure shall apply to  
3 this case. All discovery shall be stayed until after the Rule  
4 26(f) conference, unless otherwise permitted by Rule 26(f) or court  
5 order.

6 The parties shall also be prepared to discuss the following  
7 matters during the teleconference:

8 1. Any anticipated objections under Federal Rule of Civil  
9 Procedure 26(a)(1)(E) to the initial disclosure provisions of  
10 Federal Rule of Civil Procedure 26(a)(1)(A-D);

11 2. The scheduling of the Federal Rule of Civil Procedure  
12 26(f) conference;

13 3. The date of initial disclosure and the date for lodging  
14 the discovery plan following the Rule 26(f) conference; and

15 4. The scheduling of a Case Management Conference pursuant  
16 to Federal Rule of Civil Procedure 16(b).

17 Plaintiff's counsel shall give written notice of the  
18 telephonic Early Neutral Evaluation Conference to parties  
19 responding to the complaint after September 21, 2007.

20 Questions regarding this case may be directed to the  
21 Magistrate Judge's law clerk at (619) 557-6624.

22 **IT IS SO ORDERED.**

23 Dated: September 21, 2007



24 Hon. William McCurine, Jr.  
25 U.S. Magistrate Judge  
26 United States District Court

27 COPY TO:

28 HONORABLE LARRY A. BURNS, U.S. DISTRICT JUDGE  
ALL PARTIES AND COUNSEL OF RECORD